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22 **Attorneys for Defendants National Union**
23 **Fire Insurance Company of Pittsburgh, Pa.,**
24 **and Chartis Inc.**

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28 **UNITED STATES DISTRICT COURT**
29
30 **NORTHERN DISTRICT OF CALIFORNIA**

31 SHOOK & WALLER
32 CONSTRUCTION, INC.

33 Plaintiffs,

34 v.

35 NATIONAL UNION FIRE
36 INSURANCE COMPANY OF
37 PITTSBURGH, PA, *et al.*

38 Defendants.

39 Case No. 12-cv-06148-RS

40 Hon. Richard Seeborg

41 **STIPULATION AND PROPOSED**
42 **ORDER TO CONTINUE (1)**
43 **DEFENDANTS NATIONAL UNION**
44 **FIRE INSURANCE COMPANY OF**
45 **PITTSBURGH, PA. AND CHARTIS**
46 **INC.'S MOTION TO STAY**
47 **PROCEEDINGS AND/OR DISMISS**
48 **COMPLAINT (DOCKET NO. 33) AND**
49 **THE CORRESPONDING BRIEFING**
50 **DEADLINES; (2) THE HEARING ON**
51 **PLAINTIFF'S MOTION TO REMAND**
52 **(DOCKET NO. 25); AND (3) FRCP**
53 **RULE 16 CASE MANAGEMENT**
54 **CONFERENCE TO PERMIT**
55 **FURTHER SETTLEMENT**
56 **DISCUSSIONS**

1 **IT IS STIPULATED BY AND BETWEEN THE PARTIES THAT:**

2 1. WHEREAS, Defendants National Union Fire Insurance Company of
3 Pittsburgh, Pa. ("National Union") and Chartis Inc. (the "AIG Defendants") have
4 filed a motion for an order to stay and/or dismiss the complaint (the "Complaint")
5 which is set for hearing on April 25, 2013 (Docket No. 33);

6 2. WHEREAS, Plaintiff Shook & Waller has filed a motion to remand
7 which has been fully briefed and is set for hearing on April 25, 2012 (Docket No.
8 25);

9 3. WHEREAS, the parties have agreed that to avoid unnecessary litigation
10 costs and the waste of judicial resources, it is desirous to continue the Case
11 Management Conference and the accompanying FRCP Rule 26(f) deadlines to the
12 first day (21) days after the date the motions are set for hearing, as the motions
13 could obviate the need for any such conference or to the next most convenient date
14 for the court, as well as all dates related thereto;

15 4. WHEREAS, the Plaintiff and AIG Defendants have agreed to continue
16 the April 25, 2013 hearing on the motion to stay/dismiss (docket No. 33) thirty days,
17 as well as the related opposition and filing deadlines, so that resources can be put
18 toward settlement rather than litigation fees;

19 5. WHEREAS, all of the parties have agreed to continue the fully briefed
20 motion to remand (docket No. 25) so that its hearing coincides with the motion to
21 stay/dismiss;

22 **IT IS HEREBY STIPULATED AND AGREED** by these Parties that they
23 jointly request the Court continue the hearing and filing deadlines as follows, or to
24 the next most convenient date for the court:

25 **Motion to Stay/Dismiss- Docket No. 33**

26 Hearing Date Continued to: May 30, 2013 at 1:30 p.m. in Courtroom 3

27 Opposition Deadline: 21 Days before Hearing Date (May 9, 2013)

28 Reply Deadline: 14 Days before Hearing Date (May 16, 2013)

1 **Motion to Remand- Docket No. 25 (already fully briefed)**

2 Hearing Date Continued to: May 30, 2013 at 1:30 p.m. in Courtroom 3

3 **Case Management Conference**

4 The Case Management Conference and the accompanying FRCP Rule 26(f)
5 deadlines to the first day (21) days from the May 30, 2013 hearing to **June 20, 2013**
6 **at 10:00 a.m.** or to the next most convenient date for the court.

7

8 Dated: March 25, 2013

9 SIDLEY AUSTIN LLP

10

11 By: */s/ Nicholas P. Crowell* _____
12 Nicholas P. Crowell

13 Attorneys for Defendants National Union
14 Fire Ins. Co. of Pittsburgh, Pa., and Chartis
15 Inc.

16 Dated: March 25, 2013

17 ROXBOROUGH, POMERANCE, NYE &
18 ADREANI LLP

19 By: */s/ John W. Hurney* _____
20 John W. Hurney

21 Attorneys for Plaintiff Shook & Waller
22 Construction, Inc.

23 Dated: March 25, 2013

24 SEVERSON & WERSON APC

25 By: */s/ Susan M. Keeney* _____
26 Susan M. Keeney

27 Attorneys for Defendant Wells Fargo
28 Insurance Services USA, INC.

1 **IT IS SO ORDERED:**2 **Motion to Stay/Dismiss- Docket No. 33**

3 The hearing on the motion of Defendants National Union Fire Insurance
 4 Company of Pittsburgh, Pa. (“National Union”) and Chartis Inc. (the “AIG
 5 Defendants”) for an order to stay and/or dismiss the complaint (Docket No. 33),
 6 which is set for hearing on April 25, 2013, is continued by stipulation of the parties
 7 to May 30, 2013 [or _____, 2013] at 1:30 p.m. in Courtroom 3 on
 8 the 17th Floor of the United States Courthouse, 450 Golden Gate Avenue, San
 9 Francisco. The corresponding deadlines for the opposition and reply are continued
 10 and linked to the new hearing date, such that the opposition to the motion is due
 11 twenty-one (21) days before the hearing date and the reply brief is due fourteen (14)
 12 days before the hearing date.

13 **Motion to Remand- Docket No. 25 (already fully briefed)**

14 The hearing on the motion of Plaintiffs to remand Docket No. 25, which is
 15 already fully briefed, is continued by stipulation of the parties to be heard concurrent
 16 with the motion to Stay/Dismiss.

17 **Case Management Conference**

18 The Case Management Conference is continued to June 20, 2013 [or _____, 2013] at 10:00 a.m. in Courtroom 3 on the 17th Floor of the
 19 United States Courthouse, 450 Golden Gate Avenue, San Francisco. The
 20 accompanying deadlines set by FRCP Rule 26(f) are continued and now correspond
 21 to this case management date. The parties shall file a Joint Case Management
 22 Statement at least one week prior to the Conference. See Standing Order Re: Initial
 23 Case Management (available at <http://www.cand.uscourts.gov/pages/424>). Parties
 24 or counsel may appear personally or file a request to appear by telephone. If any
 25 party files such a request, the Case Management Conference shall be moved to
 26 11:00 a.m.
 27

1 All parties shall appear telephonically and must contact Court Conference at
2 866/582-6878 at least one week prior to the Conference.
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Dated: 3/26/13



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6 THE HON. RICHARD SEEBORG
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THE HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE